



Paper No. 14

LAW OFFICES OF POTTHAST & ASSOCIATES  
2712 N. ASHLAND AVENUE  
CHICAGO IL 60614-1106

**COPY MAILED**

**DEC 15 2003**

**OFFICE OF PETITIONS**

In re Application of  
Hill et al.  
Application No. 09/352,192  
Filed: July 12, 1999  
Attorney Docket No. DYN-6D1-1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 21, 2003, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply timely to the final Office action mailed January 28, 2000, which set a three-month shortened statutory period to respond. No extensions of time were obtained pursuant to 37 CFR 1.136(a). Accordingly, this application became abandoned on April 29, 2000.

With the present petition, applicant submitted a request for a CPA under 37 CFR § 1.53(d) and an amendment as a response to the final Office Action. However, effective July 14, 2003, the Office has eliminated CPA practice as to utility and plant applications. See *Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications*, 68 FR 32376 (May 30, 2003), 1271 Off. Gaz. Pat. Office 143 (June 24, 2003) (final rule). Accordingly, the CPA request is improper because it was filed on July 21, 2003, after the elimination of CPA practice.

In the event that an applicant files a request for a CPA that does not meet the requirements of 37 CFR § 1.53(d) because the application is not a design application, and the application was filed on or after June 8, 1995, **the request for a CPA will be treated as an RCE under 37 CFR § 1.114.**

The file is being forwarded to Technology Center 2800 for processing of the RCE filed July 21, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

To: Tech. Center 2800

From: Office of Petitions

Treated CPA filed 7/21/03

as an RCE because

CPA practice was eliminated  
effective 7/14/03.

CTD

12/12/04

See paper 14